

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

June 14, 2018

Board member B. Larson called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, J. Doyle, J. Montgomery-Keast, E. Hood, M. Hovey-Wright,

MEMBERS ABSENT: B. Mazade, excused; F. Peterson, excused; S. Gawron, excused; T. Michalski

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: D. Kamps, 1885 N. Buys Rd; S. Radtke, 1669 Peck St; B. Krick, 1762 Jefferson St.; B. Dodge, 90 W Larch; D. Winters, 1515 Peck St.; S. Schiller, 1828 Edgewater; K. Farmer, 1668 Jefferson St.

APPROVAL OF MINUTES

A motion to approve the Minutes of the special Planning Commission meeting of May 21, 2018, was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2018-16: Request for a special land use permit to operate a non-profit organization that will house up to four men (aged 18-24) that have recently graduated out of foster care living, along with a live-in house manager, at 1670 Peck St, by Step Up. M. Franzak presented the staff report. The property is zoned RM-1, Low Density Multi-Family Residential District. Step Up runs a similar facility for women at 1319 Peck St, which is also located in an RM-1 district. This house measures 2,250 sq ft. and has three bedrooms; the applicant plans to convert the extra kitchen on the second floor into another bedroom. There is ample off-street parking for residents and guests. Notice was sent to property owners and tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the special use permit, as this is an appropriate location and building for the proposed use.

D. Kamps spoke on behalf of Step Up. He described their program to assist foster kids who had aged out of the foster care system. He had previously applied to rezone a different house in the area but had been turned down because the area was zoned for single family residences. S. Radtke lived across the street from 1670 Peck and stated that he was opposed to the request. He stated that he had invested a significant amount of money into converting his home to a single family residence. He felt that the area was becoming saturated with shelter-type facilities and that it could negatively affect his property values. M. Franzak explained that the house at 1670 Peck St was already zoned for multi-family use. The reason a special use permit was needed was for a departure

from the definition of “family” that would allow non-related adults to live in the house together. They had no plans to break up the house into separate apartments, although that would be allowable under the RM-1 zoning. B. Krick lived in the area and was also opposed to the request. He stated that Step Up was an excellent program but he was concerned that all the different uses and zoning districts on Peck St. had a negative effect on the residential character of the area. M. Franzak stated that Peck St. has had RM-1 zoning since at least 1986 and it had always been an area where businesses, single family, and multi-family uses co-existed. To change that, a rezoning would be necessary. D. Winter stated that she supported Step Up and the request for a special use permit. She had been a foster mother and was glad to see that kids who aged out of the system would have somewhere to go. B. Dodge lived in the area and was opposed to the request. He stated that the zoning ordinance stated that foster care homes required 1500 feet of separation between them; he did not think that was the case in this area. M. Franzak stated that the 1500 feet rule was for large AFC homes, which allowed many more residents than Step Up was proposing. The Step Up facility would be more similar, albeit smaller, to a small AFC home, which had no separation requirements.

A motion to close the public hearing was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request for a special land use permit to operate a non-profit organization that will house up to four men (aged 18-24) that have recently graduated out of foster care living, along with a live-in house manager, at 1670 Peck Street, by Step Up, be approved was made by J. Montgomery-Keast, supported by M. Hovey-Wright and unanimously approved, with J. Doyle, J. Montgomery-Keast, E. Hood, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2018-17: Request for a special land use permit to increase a non-conforming structure no more than 30% at 1828 Edgewater St, by Steven Schiller. M. Franzak presented the staff report. The property is zoned R-1, Low Density Single-Family Residential. The applicant is requesting to build a covered porch on the front of the home, which would line up with the rest of the home along the west side. The house is considered legally non-conforming because it does not meet the required eight foot side yard setback on the west side; the side setback is only three feet off the property line. A one-story addition like this requires a six foot side setback unless a special use permit is granted to increase the non-conformity up to 30%. This addition would constitute much less than a 30% addition and would match the current 3-foot setback of the house. Notice was sent to all property owners and tenants within 300 feet of this property. At the time of this writing, staff had not received any comments from the public. Staff recommends approval of the special use permit, as it is under a 30% addition.

J. Doyle asked if this type of situation was common in this area. M. Franzak affirmed that non-conforming structures were quite common in the Bluffton area, especially for waterfront homes such as this one. If the porch addition was built to conform to the six-foot side setback, it would not look right or match the rest of the house. S. Schiller showed board members a rendering of the proposed porch addition, which was on the front of the home facing the water.

There were no comments from the audience. A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion that the request for a special land use permit to increase a non-conforming structure no

more than 30% at 1828 Edgewater Street be approved, was made by J. Montgomery-Keast, supported by E. Hood and unanimously approved, with J. Doyle, J. Montgomery-Keast, E. Hood, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2018-18: Request to rezone the property at 939 E Laketon Ave from B-2, Convenience & Comparison Business District to B-4, General Business District, by Christine DeVries. This case was withdrawn at the request of the applicant.

Hearing, Case 2018-19: Request for a special land use permit to operate a car dealership at 939 E Laketon Ave, contingent upon the successful rezoning of the property, by Christine DeVries. This case was withdrawn at the request of the applicant.

Hearing, Case 2018-20: Staff-initiated request to amend Section 2311 of the zoning ordinance to allow accessory structures in front yards on corner lots, under certain conditions. M. Franzak explained the reasoning behind this request. Per the current Zoning Ordinance, accessory structures such as sheds and garages may not be located in a front yard. This makes it difficult for owners of properties on corner lots to build a shed or garage without first obtaining a variance from the Zoning Board of Appeals, since corner lots technically have two front yards. These variances have traditionally always been approved. Staff is proposing to amend the ordinance to allow these accessory structures on corner lots as long as it is not in the front yard of the main street (the street where the main entrance is located). The proposed amendment to Section 2311: Accessory Structures & Buildings is italicized: “Front Yard, prohibition: Buildings or structures accessory to the principal shall not be permitted in any front yard, *except for corner lots, which may be placed in the front yard on the secondary front street (street that does not contain the main entrance to the home).*”

There were no comments from the audience. A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion that the request to amend Section 2311 of the zoning ordinance to allow accessory structures in front yards on corner lots as proposed above, be recommended to the City Commission for approval was made by J. Montgomery-Keast, supported by E. Hood and unanimously approved, with J. Doyle, J. Montgomery-Keast, E. Hood, M. Hovey-Wright, and B. Larson voting aye.

Hearing, Case 2018-21: Staff-initiated request to amend Section 2331 of the zoning ordinance to allow six foot tall fences in front yards on corner lots in residential areas, under certain conditions. M. Franzak explained the reasoning behind this request. Per the current Zoning Ordinance, six-foot tall fences are not allowed in front yards. This poses a problem for property owners on corner lots, which are considered to have two front yards. Home owners are forced to reduce their usable back yard space by fencing in only a portion of their back yards. The proposed amendment to Section 2331: Landscaping, Fencing, Walls, Screens and Lighting, 14. b) is italicized: “Front yards: In any residential front yard (in front of any building line of a structure which abuts a street), the height of a fence shall not exceed three (3) feet, unless an open fence is provided (e.g., chain link, picket) in which case it may be a maximum height of four (4) feet when such fence does not reduce visibility or interfere with clear vision at intersections, alleys and drives. *Corner*

lot exemption: Corner lots may have a six-foot tall fence on the secondary front yard (along the street that does not contain the main entrance to the home) as long as clear vision is maintained.” M. Franzak stated that any possible vision obstructions would be addressed by the inspector reviewing the fence permit application.

There were no comments from the audience. A motion to close the public hearing was made by J. Montgomery-Keast, supported by E. Hood and unanimously approved.

A motion that the request to amend Section 2331 of the zoning ordinance to allow six-foot tall fences in front yards on corner lots in residential areas in some instances as proposed above, be recommended to the City Commission for approval, was made by M. Hovey-Wright, supported by J. Montgomery-Keast and unanimously approved, with J. Doyle, J. Montgomery-Keast, E. Hood, M. Hovey-Wright, and B. Larson voting aye.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

K. Farmer addressed the board regarding her neighborhood on Jefferson Street. She was concerned about the historic larger homes being converted to business or multi-family use. She stated that she and her neighbors worked hard to maintain their homes as single family residences and they wished to maintain the residential character of their neighborhood. M. Franzak stated that the City had no plans to change that area to multi-family housing, and he encouraged Mrs. Farmer to contact city staff if any violations were noted by neighbors. He also suggested that she, and anyone else who was concerned about their neighborhood, should attend upcoming public meetings that would be held in conjunction with updating the City's Master Plan.

There being no further business, the meeting was adjourned at 4:36 p.m.